G. R. S. 58]

Previous references.

1898

191

(Courts)

Courts File No. 56—96

Serial Nos. 1—11.

Later references.

Cts 32—97

mis 85/—6

+

Cts 10-02

85-1-5

151

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1— 11

major **Part B for** February 1898

SUBJECT.

Trial by a mysore Magistrate of offenders illegally arrested in and surrendered from British Territory.

---

1. From The District Magistrate Kolar No A. 87. 7. 3. 97 Dy No 3491/1056 Applies for an Extradition warrant for the arrest of one Bade Sab of Gowripally. Chintamani Taluk. & forwards the record of Evidence.

2. To The F. A. Resdt. No 10132/1165 dt. 11. 3. 97 Forwards copy of the above and abstract of the record of evidence and requests for an issue of Extradition warrant to the District Magistrate Cuddapah for the surrender of the said Bade Sab.

GPB—3,500—21-7-11

from the J. A. Resdt No 1154 dt - 19. 3. 97

D. No 2872 / J 1118. Acknowledges the receipt of the above and intimates that a warrant has been issued to the District Magistrate Sadapali for the surrender of the accused Bade Sabe

4. Do The District Magistrate. Kolar No 10463 / J 1198 dt - 22. 3. 97

Communicates the above information, & directs, returning the evidence recd. with it, that the other available evidence in the case shd have been sent

5 From the J. A. Resdt No 2179 dt - 20. 5. 97

D. No 10586 / J 1322 / Pol 1287. States that the Extradition warrant for the surrender of Bade Sabe cannot be executed for certain reasons, and enquires whether the Govt would concur with the Resdt in waiving all further action in the matter.

6. Do. The District Magte. Kolar. No 12710 / J 1442 dt. 27. 5. 97.

States that the warrant was returned unexecuted and enquires certain other points on the subject

7. From ——— do ——— No C 48 dt - 12/18. 6. 97

D. No 11655 / J 1444. Reports the circumstances under which the accused Bade Sabe who was arrested in British Territory, was returned to Madanapally -

8. Do. The J. A. Resident: No 3379 / J 886 dt - 13. 9. 97.

Makes certain observations on the points referred to by the Hon'ble the Resdt in reply to his letter No. dt 5.

9 Do. The Dist. Magte. Kolar, The I. G. of Police & The Dy Comrs of Districts. No 3469—77 / J 1402 dt - 15. 9 97.

Points out the irregular procedure in which a person accused of an offence committed in the Mysore Province was arrested in the British Territory by a Mysore Constable and requests the issue of clear orders to prevent a recurrence of such irregularity.

Form No. 3.

FACING SHEET FOR FILE.

See 5

Judicial Branch.

A File No. 2 of 1897-8.

SUBJECT.

Arrest by the Madanapalli Police of a person named Bade Sab. for an offence committed in the Mysore Territory and his Surrender to the Mysore authorities without an extradition warrant

Mysore Government Central Press, Bangalore.—8-5-93.—2,000.

Serial Number.	Letter. No.	Letter. Date.	From whom.	To whom,
1	A	7-3-97	Dt. Magte Kolar.	Secy.
2.	10132 / J1165	11-3-97	Secretary	1st Asst to the Resident
3.	1154	19-3-97	1st Asst to the Resident.	Secretary
4.	10463 / J1198	22-3-97.	Secretary	Dt. Magte Kolar
5.	2179	20-5-97	1st Asst to the Resident	Secretary
+6.	Office Note			
7.	12710 / J1442	27-5-97	Secretary	Dt. Magte Kolar
*8.	C-48	23-6-97	Dy. commr Kolar	Secretary
+9.	1st councillor's observations			
+10.	Secretary's Note			
+11.	~~3341~~	~~13-8-97~~	~~1st Asst to the Resident~~	~~Secretary~~
12.	3379 / J386	13-9-97.	Secretary	1st Asst to the Resident and a draft corrected by the Dewan
13.	3469-71 / J402	15-9-97	Secty	Dt. Magte Kolar, I. Gl of Police and Dy. commrs of Dts
+14	Memo of circulation to Councillors			
15	578.	7-2-98.	1st Asst to the Resident. Dewan	
16.	10172-80 / J1098	22-2-98.	Secy.	Dt. Magte Kolar. other Dt. Magtes Registrar ch: Ct

Checked Dtesingh 19/4/98 Varadiengar 20/4/98

Hs. 7. 56 – 96

no page

Note

It is a pity that the other evidence available has not been recorded & submitted.

This may be pointed out to the District Magistrate in Communicating to him the result of this reference to the Resident Ind: C.S.

10 - 3 - 97

Subs Clerk 173 (6) 2

The accused does not appear to have been illegally released by the D. Magte of Cuddapah. He could have been kept in custody for two months under S. 16 of the Foreign Jurisdiction Regte Act. As a matter of fact he was in custody only from 3rd Feby to 10th or 11th March. As the extradition warrant has not been executed, there is nothing to prevent his re-arrest.

The Kolar D. Magte does not state that a Mysore Constable arrested the Accused. This may, however, be shortly ascertained.

Please see remarks of the Cuddapah Magte on the conduct of the Kolar Amildar Magte. These remarks are not quite just, as I do not see how the latter could be justified in taking possession of the offender before he was legally handed over under an extradition warrant.

It is not apparent what has become of the paper.

A copy of the Act must be sent up for reference

21/5/97

2 Which Magte is not clear - He does not sign Amildar Magte

Let us clear up this matter with complete information before us - Refer for report again, & also enquire whether as stated by the Dt

Master of Indiana
the usual warrants
in Scotch Secretary
by a constable of
the Bristone Police
& when he arrives
sent back with him
forwards for the arrest
stated. The explana-
tion of the constable
& Master concerned
should also be
obtained & noted
as early as practicable.
Also enquire where
the accused person
& the money are now, &
whether the Dutch Master of Volax
shall wish the
former to be extradited
for the purpose of
being placed on
trial — C

23/5/97

Rec'd from Bty to Leg
L. J. Brown
CC
25/5/97

on page
Subd to the 1st Councillor

I think the view taken by the District Magistrate of Kolar is correct The mistake blunder was committed by Constable Sayed Jamal But the Madanapalley Stationary Magistrate could have rectified it at once Instead of doing so, however, he authorized the removal of the arrested persons to Chintamani. The Kolar District Magistrate sent the man back to Madanapally - and applied to us for an extradition warrant. The District Magistrate of Cuddapah has made certain remarks which seem to call for a reply - otherwise the matter may be dropped and the Resident informed accordingly

Ind Cl.
24-6-97

1. The arrest of Bade Lab by the Police was illegal. Constable Syed Jamal's explanation cannot be accepted. The District Magistrate of Kolar should prevent a recurrence of such irregularities by issuing proper instructions to the Police in his District. The same should be done in all the other Districts.

See Sep. Sheet.

2 The Stationary Asst
Magte of Madanapalle was
apparently wrong in refusing,
as I suppose, the illegal arrest
of Wade but if the Mysore
Police Act 2, s 167 Cr. P. Code
Code is applicable to the case
as the Madanapalle Magte
did not decide upon investigation
into the offence as are committed
within his local jurisdn -

3. Clause 7, s 54 Cr. P.
C. no doubt applicable
to the case - but the arrest
was not made by the
Madanapalle Magte or under his
orders - and if the said Magte
decided to follow the
procedure laid down in
s 54 cl 7 Cr. P. Code, there
was no necessity for him
forwarding the arrested accused
to the Mysore Magte. He
ought to have detained the
accused in the custody of
his own Police pending issue
of a Search warrant & the
Agent in Mysore. I take it

1 to treat the report
of the Mysore
Constable as information
or complaint laid
before him,

If Thus, it will be
seen, that while the
arrest of the accused
by the Mysore Police was
illegal, the surrender afterwards
made by the Madrapalli
people to the Mysore Police,
& for the space of the Entire
time he remained, was equally
legal, and the accused
was re-brought illegally from
Madrapalli (British Territory)
to Nelson (Mysore Territory) —

The Court must of
course not enquire
into the question as to
how the accused was
brought. When he
found that the arrest
of the accused was illegal
and that he was brought
to Nelson illegally, he could
have at once released
the man, and enquired
if he wished to be remanded
to his own remand before

he left the Argus Ry —
He argued & have defeated
the real facts connected
with the illegal arrest
& the accused certainly have been sent back
under custody & Madame
Galli in his letter to
the Earl Secy - Dt 27
March 1897. This was
on pain of a statement the
on ~~application~~ of
real facts in that letter,
which is very much
like defined, and the
Earl Secy, on the claim
of refund as what
had really taken place
made the usual applica
- tion to the Resident;
and, after the Agency
the Resident and the Durbar
is informed of the Resid.
of what had taken
place - The Durbar sought
of Mehar Chand, as above
stated fine, ordered
some discussion & finally on
this matter — It appears

releasing

... the [illegible] could not be claimed
[illegible] (detaining) the accused
... when the report,
... accused having been
... and bail, & Madan [illegible]
... on [illegible], I deny, that
... no [illegible] warrant,
... and the arrest was
... made under cl 7,
... [illegible] Cr. Code.
... after the accused
... [illegible] the Police
... [illegible] reached the [illegible]

Note for Long

Please note
whether cl 7
of 54 Cr. Code
enacted [illegible] and
III/911 has been.
No. Enacted) Prepare
the [illegible] in the
Legislature

Sir Maynard in his work on
Criminal Law, Part II, ch II, para 43,
p. 267, remarks, on the
authority of an English case
(Rex v Tucker) that "a person
is "found within the
jurisdiction" of a Court when
he is actually present there,
whether he came there
voluntarily or not, or even
when he was brought there
illegally. In this view of the
[illegible] arrest and surrender
[illegible] there was

The new Code is going to be adopted as a whole.

24/6/97.

nothing whereof the
said Inspector the
~~Jury~~ dealing with the
accused according Law
after he was produced
before him -

& I think we may
assume the Accused that
under the circumstances
represented both of the Letter
of Indictment of Law
of Nolan on the Back
of them Letters, the Dunbar-
deem d would be apply
for a Post warrant and
that the allegedly committed
of and Dun ~~and the~~
~~warrant Jurisdiction~~
~~despatched of Dunbar~~ and
had been taken when
of, and unbeknown whereof
Whereof a Recommen-
of such explanation

of The Accused may be
asked, of he concern with
the Dunbar, Whereof all
With the Letter of Indictment Law

the Board may fix the
Notice and on
receiving the account
from John and direct
his being taken with
him to notify
John, the account
and following the procedure
prescribed by s 52 cl 7
the Land Act
1897 & the Land Act—

A. J. Thomas M.
M. 16/6/97

(12)

Respectfully submitted for favour of reconsideration.

Para 5. With all deference I submit that Bade Saibi ~~arrest or bail~~ removal to Chintamani having been illegal his release and immediate release at that place would not have been unfair to him. This consideration, apart from the question of the legality of such procedure, seems naturally to have weighed with the District Magistrate of Kolar.

I further submit that there was no truth in the statement of fact by the District Magistrate. It is true that in his letter requesting for an extradition warrant no mention was made of Bade Saibi having been brought to Chintamani and sent back from there. But that letter referred to the abstract of evidence accompanying it. This abstract clearly showed that Bade Saibi had been brought to Chintamani & then sent back from there. In the margin, there was a note by the District Magistrate stating the circumstances under which he had ordered Bade Saibi being taken back to Madanapalli. The

Seen
C.S.

Thanks
I have
checked
and no
mark
I
Remarks
on Weekly
to Govt
dtd

was before me when I forwarded the usual application to the Resident. He did not state to me that the District Magistrate had committed any act of indiscretion. The said abstract with the District Magistrate's note in the margin thereof was sent in original to the Resident who was thus in full possession of the facts of the case when he decided upon issuing an extradition warrant. It is thus evident that both the Court & the Resident knew from the outset that Bale Lait had been illegally brought to Chittagong & that the Dolan District Magistrate had consequently directed his being taken back to Madanpalli. The absence of any mention of this fact in the District Magistrate's covering letter did not thus mislead either me or the Residency.

Para 7 - This is a point upon which the District Magistrate still entertains a doubt — a doubt which in my humble opinion is not an unreasonable one.

It would be well to obtain the opinion of the Govt Advocate on this point

I have stated and the proposed what I do in the matter

a copy enclosed is done. What I have suggested can be done by the Govt.

28/8/97

to express an opinion, I submit that the District Magistrate does not deserve the severe remarks contained in this para.

Since the matter is to be dropped, it is a question whether a brief order disapproving of the action of the Police Constable and stating that no further action is necessary, would not be sufficient for our present purpose

C.

27/8/97

The draft-yadetter to the Residency is invited for approval.

I shall consult the Govt Advocate & then draft an order to the Resident by Govt

C

29/8/97

After the issue of the draft in Bale Cases another letter may be sent by the Secretary in continuation being up to the notice the irregularities committed in these 2 cases during last actual attempts for extradition will be made in due course. The Bale Cases will be worked to fulfil all

[illegible] rents a
[illegible] the matter
[illegible]
[illegible]

7180-6

[illegible]

[illegible]

[illegible]

[illegible]

When the Dist. Magistrate of Kolar found that the arrest and surrender of the accused were illegal, he could not but release the accused. How could he justify his order to take back the accd. to the British Police or Magistracy!

25/9/97

17

MEMO OF PAPERS CIRCULATED TO COUNCILLORS.

(14)

SUBJECT.

In re the illegal arrest by a Mysore Police Constable of one Badé Sab in British Territo

By order,

24 . 9 , 189) for Secretary

To—

Rajadharma Pravina
T. R. A. Thumboo Chetty, Esq., C.I.E. Seen by

P. N. Krishna Murti, Esq. C.I.E.

Khan Bahadur Abdul Rahman, Esq. 25-9-97
Rec'd. in office last evening

The Secretary.

on page 42

note.

Assistant Secretary

Please draft a minute recording in Abstract the by Comms. Report and other important papers including this letter, and ordering that the same be communicated to the by Comms, (Hot Magte).

Ind C.S

12.2.98.

I find it difficult to read portions of serial no 12. Make a fair draft. please & submit. This should have been done earlier.

Ind C.S

10-2-98

Mrs Bolen
Engrossers & Warrant Writers
this was to go to the
Office Derwent. The original
letter to Rep. was for mother
Derwent

7/4/98

The Office Derwent has
already seen the Rep
-Derwent letter - Our
order merely reproduces
its contents - It may
be printed about

18/4/98 - Mailed on 10-9-98 18-2-98

(1) 1

Gen. 31.]

1897

7491
8-3-97
J 1056

From The District Magistrate
Malur

To

The Secretary to the Government
~~Dewan~~ of Mysore.
Rev and General Deptt.

SECTION Courts
FILE No. 56—96
SERIAL No. 1

Dated 7th March 1897
Despatched 7th "
Received 8 — "
General No. A
No.

Enclosure No. / Fele

Applying for an Extradition Warrant for the arrest of one Badesab of Gowanpalli Chintamany Taluk 3

J 8.3.97

8/3

2/

Kolar Dist. Magistrate's Court
Dated 7th March 1897

To.
The Secretary to the Government
of Mysore
Rev. and General Depts.

Sir,

I have the honor to state that one Base Sab of Govanapalli Chintamani Taluk committed theft of a pony valued at about Rs 31-8 in the said village on the night of the 3rd Instno. It belonged to one Nagarta Chikkanna of Chintamani a merchant. The accused with the animal was arrested at Madanapalli in the Cuddapah District and is now in charge of the Police of that Taluk. The Amildar Magistrate of Chintamani has recorded the evidence in the case and reported that a prima facie case has been made out against the accused.

I request therefore that an extradition warrant may be obtained for the
rendition

of the said individual and enclose application in the prescribed form together with an abstract of the evidence of the case.

I have the honor to be,
Sir,
Your most obedient Servant

Ashingar ami Zongar
District Magistrate
of Kolar.

ಮೇಲ್ಕಂಡ ಪ್ರಕಾರ ನಾವು ಒಪ್ಪಿಕೊಂಡು ಸಹಿ ಮಾಡಿರುತ್ತೇವೆ.

ಸಾಕ್ಷಿದಾರರು

1)

2)

ಅರ್ಜಿದಾರರು

ABSTRACT OF THE REPORT.

ರಿಪೋರ್ಟಿನ ಗೋಷ್ವಾರಾ.

Register No. of the report. ರಿಪೋರ್ಟಿನ ರಿಜಿಸ್ಟರು ನಂಬರು.	Name of offence described. ವಿವರಿಸಲ್ಪಟ್ಟ ತಕರೀರಿನ ಹೆಸರು No. of offenders said to be concerned. ಸಂಬಂಧಪಟ್ಟ ಜನಗಳ ಸಂಖ್ಯೆ. No. of persons said to be killed or hurt. ಮೃತಪಟ್ಟ ಅಥವಾ ಹಿಂಸೆಪಟ್ಟ ಜನಗಳ Value of property said to have been taken. ಸಂಖ್ಯೆ. ಕಳವಾದ ಮಾಲಿನ ಕಿಮ್ಮತ್ತು.	Date and place of occurrence. ನಡದ ಸ್ಥಳ ಮತ್ತು ತಾರೀಖು. Within limits of what Tanna with distance and direction there from. ಯಾವ ಠಾಣೆ ಸರಹದ್ದಿನಲ್ಲಿ ಠಾಣೆಯಿಂದ ಯೆಷ್ಟು ದೂರದಲ್ಲಿ ಯಾವ ಕಡೆ.	First intelligence when (day and hour) and how received and at what station. ಪ್ರಥಮ ವರ್ತಮಾನ ಯಾವಾಗ (ತಾರೀಖು ಮತ್ತು ಘಂಟೆ) ಹ್ಯಾಗೆ ಯಾವ ಸ್ಟೇಷನಿಗೆ ಬಂದದು.
	2	3	4
(3) 1/133	379 ಕಲಂ ಕಳವು — ಮಿಲಿಟರಿ ಕ್ಯಾಂಪ್ — ಕಳವಾದ ಮಾಲು ಕಿಂ 31-8-0	ದಿ 3-2-97 ನೇ	3-2-97 ನೇ ದಿ —

N. B.—The original complaint signed, &c., by of

(under Section 112, C. P. C.) and marked No. is herewith enclosed.

ಪರಾ.
ಸುಬರ್ ಗುರ್ತುವುಳ್ಳ ಅಸಲ್ ಫಿರ್ಯಾದನ್ನ ಯಿದರಲ್ಲಿ ಮಳಪೂಪಿಸಿಯಿಧೆ.

ಯವನು ಕ್ರಿಮಿನಲ್ ಪ್ರೊಸೀಜ್ಯೂರ್ ಕೋಡು ೧೧೨ನೇ ಸೆಕ್ಷನ್ ಪ್ರಕಾರ ಕೊಟ್ಟ

ದಿ 25-2-97

Signature of Police Officer.
ಪೊಲೀಸ್ ಆಫಿಸರನ ರುಜುವು.

1st information report of crime.
ಜಕೀನ ಪ್ರಥಮ ವರ್ತಮಾನದ ರಿಪೋರ್ಟು.

To

The

at

Class Magist.

Police Station
ಪೊಲೀಸ್ ಸ್ಟೇಷನ್—

Report of first complaint or intelligence received describing the occurrence of a Cognizable offence. r im
ಾರಂಭ ಮಾಡಿದ ಬಗ್ಗೆ ತಕ್ಕೀರು ಅಥವಾ ಯಿತರರು ಕೃತ್ಯ ನಡಕ್ಕಾಗಿ ವಿವರಿಸಿ ಯಿರುವ ಪ್ರಥಮ ವರ್ತಮಾನ ರ್ಯ

portant occurrence on the day of
ದಿನ ಆಗಿರ್ದು ತಿಂಗಳು ತಾಲ್ಲೂಕು ಠಾಣೆ ಯಿಂದ.

187 from the Tanna of Taluk.
ಇಸವಿ ಮಾಹೆ (3) ನೇ ತಾರೀಖಿನಲ್ಲಿ ತಲಪಿದ್ದು.

PARTICULARS. ತಪಶೀಲು

1. Name of informant and substance of complaint or intelligence received with date of occurrence and names of persons and all circumstances mentioned in connection with the occurrence reported.

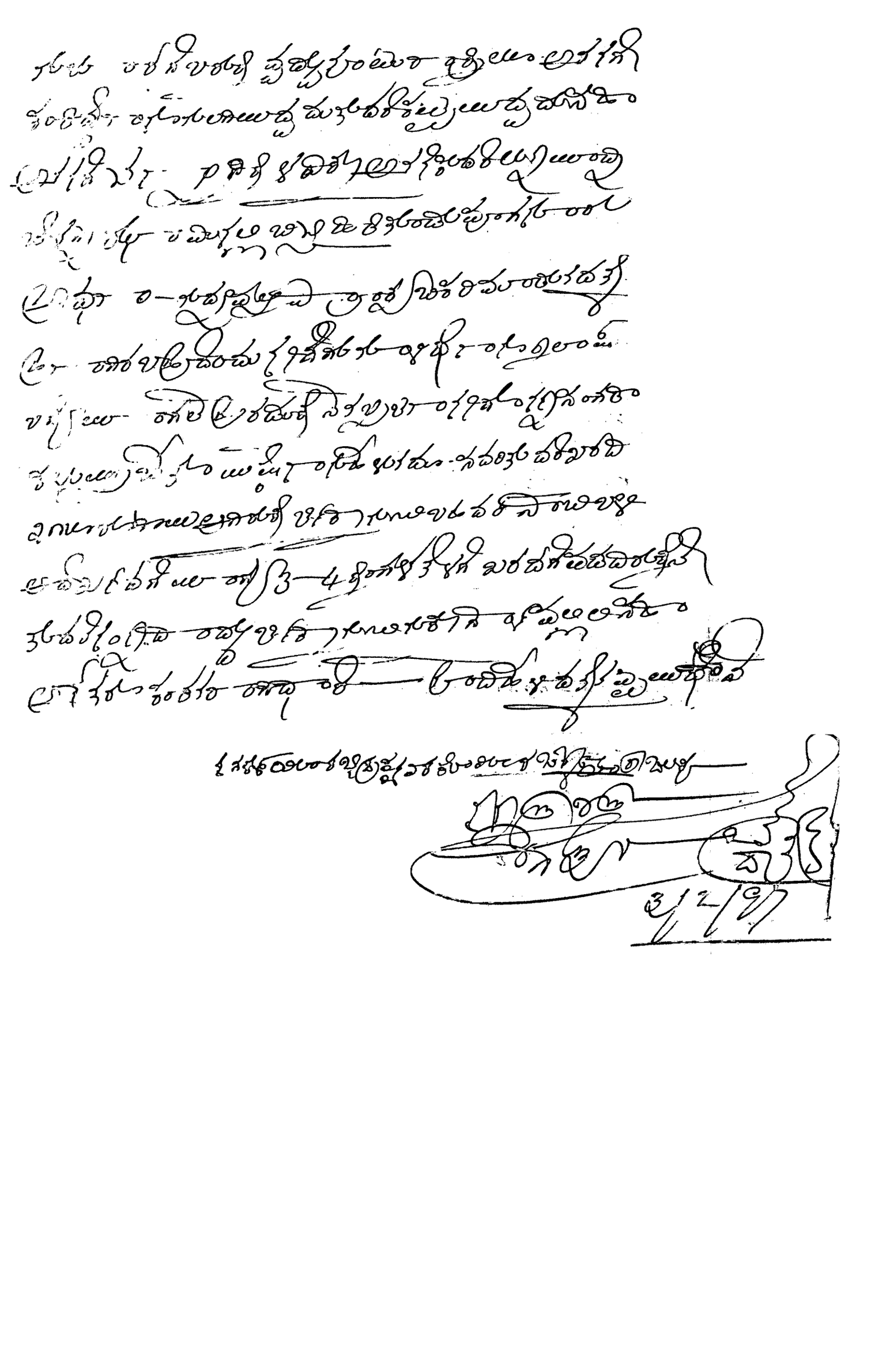
೧. ವರ್ತಮಾನ ಕೊಟ್ಟವನ ಹೆಸರು ಮತ್ತು ಬಂದ ಫಿರ್ಯಾದಿನ ಅಥವಾ ವರ್ತಮಾನದ ಸಾರಾಂಶ ಕೃತ್ಯ ನಡದ ತಾರೀಖು ಜನಗಳ ಹೆಸರು ಮತ್ತು ರಿಪೋರ್ಟಾದ ಕೃತ್ಯಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟದ್ದಾಗಿ ನಮೂದಾದ ಯೆಲ್ಲಾ ಸಂಗತಿಗಳು.

2. Rank and name of senior Police Officer present. Information he obtained by questioning informant and steps taken to ascertain truth of alleged occurrence.

೨. ಹಾಜರಿದ್ದ ಸೀನಿಯರ್ ಪೋಲೀಸ್ ಆಫಿಸರನ ಹುದ್ದೆ ಮತ್ತು ಹೆಸರು ವರ್ತಮಾನ ಕೊಟ್ಟವನ ತನಖೀಯಿಂದ ತಿಳಿಯಬಂದ ಸಂಗತಿಗಳು ನಡದ ಕೃತ್ಯದ ನಿಜತ್ವ ತಿಳಕೊಳ್ಳುವದಕ್ಕೆ ನಡಸಿದ ಕ್ರಮಗಳು.

I

3-2-97



Taluk, ತಾಲ್ಲೂಕು. — Station. ಸ್ಟೇಷನ್

(or 110) C P. C. and sent to the Magistrate of ಬಗ್ಗೆ ಮೇಜಿಸ್ಟ್ರೀಟರ ಬಳಿಗೆ ಕಳುಹಿಸಲ್ಪಟ್ಟ ಛಾರ್ಜ ಷೀಟ್. for Enquiry.

Prisoners or accused Persons. ಕೈದೀಗಳು ಅಥವಾ ಆಪಾದನೆಪಟ್ಟ ಜನಗಳು.			Property— ವಸ್ತುಲು
rentage, &c. ಂದೆ ವಗೈರೆ.	When and by whom taken into Custody or Nature of Processes sought. ಯಾವಾಗ ಯಾರಿಂದ ತಕ್ಕೊಂಡ ತೆಪಮು ಕೊಡಿಸು ಹೋಗಲ್ಪಟ್ಟನು ಅಥವಾ ಅಪೇಕ್ಷಿಸಲ್ಪಟ್ಟ ಪ್ರೊಸೆಸ್ಸಿನ ಸ್ವಭಾವ	When first placed before Magistrate. ಮೇಜಿಸ್ಟ್ರೀಟರ ಮುಂಬರೂ ಹಾಜರಾದ್ದು ಯಾವಾಗ	When confined in Station or when released on Bail. ಸ್ಟೇಷನ್ ಪಹರೇದಲ್ಲಿ ಯಿಟ್ಟಿದ್ದು ಯಾವಾಗ ಅಥವಾ ಜಾಮೀನ್ ಮೇಲೆ ಖುಲ್ಲಾಸೇ ಆದ್ದು ಯಾವಾಗ.	Found on Person or Elsewhere, where and by whom, and List of Articles forwarded herewith. ಮೈಮೇಲೆ ಇರತೋ ಮತ್ತೆ ಯಲ್ಲಾದರೂ ಇಕ್ಕತೋ ಯಾರಿಗೆ ಯಲ್ಲಿ ಇಕ್ಕತ್ತು, ಮತ್ತು ಯಿತರಸಂಗೆಡೆ ಕಳುಹಿಸಲ್ಪಟ್ಟ ವಾಲು ಗಳ ಪಟ್ಟಿ.
	8	9	10	11

Signature of Police Officer.

ಪೊಲೀಸ ಆಫಿಸರ ರುಜು.

RECORD OF THE

Date and Hour of Receipt of Charge Sheet, Prisoners and Property by the Magistrate. ಮೆಜಿಸ್ಟ್ರೇಟರಿಗೆ ಆಪಾದಿತರು ಕೈದೀಗಳು ಮತ್ತು ಆಕ್ಷೇಪಣೆಯ ದಸ್ತಾವೇಜುಗಳು ಸರಿಯಾಗಿ ಬಂದದ್ದಾದ ದಿನಾಂಕ, ಘಂಟೆ.	No. given to the Case on File of the Magistrate. ಮೆಜಿಸ್ಟ್ರೇಟರ ಫೈಲಿಗೆ ನಂಬರು	Date of first Hearing. ಅದ್ಯಲ್ ದರ್ಫ್ಯಾಸ್ತು ತಾರೀಖು.	What Processes issued by the Magistrate and when. ಯಾವ ಪ್ರೊಸೆಸು ಮೆಜಿಸ್ಟ್ರೇಟರಿಂದ ಹೇಳಿ ಹಿಸಲ್ಪಟ್ಟದ್ದು ಮತ್ತು ದಿನಾಂಕ.	When, why and for what Periods Remands granted. ಯಾವಾಗ ಯಾತಕ್ಕೋಸ್ಕರ ಯಷ್ಟು ಕಾಲಪರ್ಯಂತ ರಿಮ್ಯಾಂಡು ಕೊಟ್ಟದ್ದು.	Charg Magisti if not ಭಾರ್ಜ್ ಟರಿಂದ ಳಾಜ್ಞೆ
12	13	14	15	16	ಹೆಸ

24-2-[illegible]

[illegible]

24-2-[illegible]

N. B.—The Magistrate enquiring into the Case will, *immediately* the Case is closed in his Court, who, in Heinous or Particular Cases, will transmit it to the Judicial Commissioner.

ಷರಾ. ಮೊಕದ್ದಮೆ ದರ್ಫ್ಯಾಸ್ತು ಮಾಡಿದ ಮೆಜಿಸ್ಟ್ರೇಟರು ತಮ್ಮ ಕೋರ್ಟಿನಲ್ಲಿ ಧರಿಯಾಫ್ತಿ ಪೂರ್ಯವಡನೆ ಹಸತಕ್ಕದ್ದು. ಅವರು ಪ್ರಮಾದವುಳ್ಳ ಅಥವಾ ಮುಖ್ಯವಾದ ವ್ಯಾಕದ ಮೆಗಳಲ್ಲಿ ಯಿದನ್ನ ಜಾಡಿಷಲ್ ಕ

Date of Receipt of this Report by Deputy Commissioner.
ಡಿಪಟೀಕಮಿಷನರಿಗೆ ಈ ರಿಪೋರ್ಟು ಬಂದ ತಾರೀಖು

Date of Transmission of this Report by Deputy Commissioner to Judicial Commissioner
ಡಿಪಟೀ ಕಮಿಷನರು ಈರಿಪೋರ್ಟು ಜಾಡೀಷಲ್‌ಕಮಿಷನರಿಗೆ ರವಾನೇಮಾಡಿದ ತಾರೀಖು.

Date of Receipt of this Report by Judicial Commissioner.
ಜಾ ಡೀಷಲ್‌ಕಮಿಷನರವರಿಗೆ ಈರಿಪೋರ್ಟು ತಲಪಿದ ತಾರೀಖು.

CLASS MAGISTRATE OF
ಕ್ಲಾಸ್ ಮೇಜಸ್ಟ್ರೇಟರ ರಿಕಾರ್ಡು.

ners, when and how disposed of by hat Offence proved against each, and hat further steps should be taken. ಗಳು ಯಾವಾಗ ಮತ್ತು ಹ್ಯಾಗೆ ಮೇಜಸ್ಟ್ರೇ ಸ್ಪಷ್ಟವ್ವದ್ದು. ಪ್ರತಿ ಖೈದೀಮ್ಯಾಲೆ ಯಾವ ಅತ್ತು ರುಜುವಾಗದೆ ಯಿದ್ದರೆ ಅಯಿಂದಾ ನಡಸತಕ್ಕ ಕ್ರಮ.	Name of Police Officer prosecuting the Case, and Remarks of the Magistrate on the Conduct of the Police generally in the Case or of any Police Officer whose Conduct calls for Remark. ಫಿರ್ಯಾದಿನಡಿಸುವ ಪೋಲೀಸ್ಆಫಿಸರ ಹೆಸರು ಪೊಲೀಸಿನವರ ನಡವಳಿಕೆಯನ್ನ ಕುರಿತು ಮೇಜಸ್ಟ್ರೇಟರ ಸಾಧಾರಣವಾದ ಯಿರಾದೆ ಅಥವಾ ಯಾರಾದರೂ ಒಬ್ಬ ಪೊಲೀಸ್ ಆಫಿಸರನ ನಡವಳಿಕೆ ಕುರಿತು ಆದರೂ ಷರಾ	Date of Transmission of Charge Sheet to District Magistrate with Signature of Transmitting Magistrate. ಡಿಸ್ಟ್ರಿಕ್ಟ ಮೇಜಸ್ಟ್ರೇಟರಿಗೆ ಛಾರ್ಜುಶೀಟು ರವಾನಿ ಮಾಡಿದ ತಾರೀಖು ರವಾನೀ ಮಾಡಿದ ಮೇಜಸ್ಟ್ರೇಟರದ ಸಹಿ.	Remarks by District Magistrate as Head of Police with Signature. ಹೆಡ್‌ಆಫ್ ಪೋಲೀಸಾಗಿ ಡಿಸ್ಟ್ರಿಕ್ಟ ಮೆಜಸ್ಟ್ರೇಟರವರ ಯಿರಾದೆ ಮತ್ತು ದಸ್ಕತ್ತು
17	18	19	20

Deputy Commissioner,

ಡಿಪಸನರ್‌ಬಿಗೆ ಕಳು

Magistrate.

ಮೇಜಸ್ಟ್ರೇಟ.

Deputy Commissioner, District.

ಡಿಪಟೀ ಕಮ್ಮಿಷನರ್, ಡಿಸ್ಟ್ರಿಕ್ಟು.

FORM A Police, (Serial No. 14.) District,

SECTION 127, C. P. C.
ಕ್ರ. ಪ್ರೊ. ಕೋಡ್ ಸೆಕ್ಷನ್ ೧೨೭.

CHARGE SHEET of a Case RECEIVED and investigated by the Police under Sp
ಪೊಲೀಸ್‌ನವರಲ್ಲಿ ಕ್ರ. ಪ್ರೊ. ಕೋಡ್ ೧೧೯ ಅಥವಾ ೧೧೦ನೇ ಪ್ರಕರಣಾನುಸಾರ ಬಂದು ವಿಚಾರಣೆ ಮಾಡಲ್ಪ

No. and Date of Charge in Station House Register. ಠಾಣೆಯ ರಿಜಿಸ್ಟರ್ ನಂಬರ್ ಮತ್ತು ತಾರೀಖು.	Nature of Complaint or Offence with Date, Locality and Circumstances in Brief Outline. Section of I. P. C. which appears to be applicable to Offence. ದಾರೀಖು ನಿಕೀ ಫಿರ್ಯಾದ್ ಅಥವಾ ತಕ್ಕೀರಿನ ಸ್ವಭಾವ ಸ್ಥಳ ವಗೈರೆ ಮತ್ತು ಸಂಗತಿಗಳ ಸಂಕ್ಷೇಪ ತಕ್ಕೀರಿಗೆ ಸಂಬಂಧಪಡತಕ್ಕ ಪಿನಲ್‌ಕೋಡು ಸೆಕ್ಷನ್.	Complainant and Witnesses for the Prosecution. ಫಿರ್ಯಾದಿ ಮತ್ತು ಫಿರ್ಯಾದತರ್ಫ ಸಾಕ್ಷಿಗಳು.			
		Number. ನಂಬರ್. Present. ಹಾಜರು.	Not Present. ಗೈರಹಾಜರು.	Name and Ordinary Occupation. ಹೆಸರು ಮತ್ತು ಸಾಧಾರಣವಾದ ಕಸಬು.	What Points each Witness is call to prove ಪ್ರತಿ ಸಾಕ್ಷಿಗಾರನಿಂದ ರುಜುವಾಗತಕ್ಕ ಅಂಶಗಳು.
1	2	3	4	5	6
18	3-2-97	1			
11-2-97					
1					
1-33					
		0			
		0	3		
		0	4		
		5			

11-2-97

_____ DISTRICT.
_____ TALUK.

Duplicate of Application for Detention of the undermentioned persons by the Police under Section 124 C. P. C. sent to _____

on the day of _____ to be returned to Station House Officer.

ಕೈದಿಯಾ ಮೊಕದ್ದಮೆಯನ್ನ ನಿಲ್ಲಿಸಿ ಕೊಳ್ಳತಕ್ಕ ಬಗ್ಗೆ ಮಾಡುವ ರಿಪೋರ್ಟು _____ ಮಾಹೆ _____ ತಾರೀಖಿನಲ್ಲಿ ಮೇಜಸ್ಟ್ರೇಟರಿಗೆ ಕಳುಯಿಸಿದ್ದರ ಬಾಬತು ಡುಪ್ಲಿಕೇಟ್ ಸ್ಟೇಷ್ ಹೌಸ್ ಆಫೀಸರರಿಗೆ ವಾಪಸ್ ಕಳುಹಿಸತಕ್ಕದ್ದು.

1	2
Name of Prisoner and abstract of Explanation. ಕೈದಿಯು ಹೆಸರು ವಿವರದ ಮತ್ತು ಕಾರಣಗಳ ಮಜಮೂನು.	Magistrate's Order. ಮೇಜಸ್ಟ್ರೇಟರ ಹುಕುಂ.

[illegible]

[illegible]

[illegible] 10-2-97

[illegible]

[illegible]

[illegible]

22/2

No 2

Madanapalle
18. February 97

From.

The Inspector of Police
Madanapalle

To

The Inspector of Police
Chintamani Taluk
Mysore Province

Sir.

As desired by you in your No 376/14-2-97 demand has been applied for and the Sub-Magte of Madanapalle has granted it until the 18th day of March 97 under the provisions of the Extradition Act.

2. As for the Confession of the accd to be recorded by the Sub-Magistrate it appears he has already made a Statement before him he was last produced before him giving a different account of the incident - It is therefore useless to get a Confessional Statement recorded now —

3

The pony has been entrusted to the Complainant himself to be produced by him before the Court during the Enquiry of the Case.

I have the honor to be

Sir,

Your most obedient Servant

Chas Cameron

Inspector of Police

21-2-97

ಸಿಂಧನೂರು ತಾಲ್ಲೂಕಿನ ಸಿರವಾರ ಪಟ್ಟಣದಲ್ಲಿ

ಸಿರವಾರ ಪಟ್ಟಣದಲ್ಲಿ 22 ಸಿಂಧನೂರು
ಪಟ್ಟಣದಲ್ಲಿ ಸಿರವಾರ ಪಟ್ಟಣದಲ್ಲಿ
ಸಿರವಾರ ಪಟ್ಟಣದಲ್ಲಿ ಸಿಂಧನೂರು
ಸಿಂಧನೂರು ಪಟ್ಟಣದಲ್ಲಿ

ಸಿಂಧನೂರು ತಾಲ್ಲೂಕಿನ ಸಿರವಾರ ಪಟ್ಟಣದಲ್ಲಿ
ಸಿರವಾರ ಪಟ್ಟಣದಲ್ಲಿ ಸಿಂಧನೂರು ತಾಲ್ಲೂಕಿನ
ಸಿಂಧನೂರು ತಾಲ್ಲೂಕಿನ ಸಿರವಾರ ಪಟ್ಟಣದಲ್ಲಿ
ಸಿರವಾರ ಪಟ್ಟಣದಲ್ಲಿ ಸಿಂಧನೂರು ತಾಲ್ಲೂಕಿನ
ಸಿಂಧನೂರು ತಾಲ್ಲೂಕಿನ ಸಿರವಾರ ಪಟ್ಟಣದಲ್ಲಿ
ಸಿರವಾರ ಪಟ್ಟಣದಲ್ಲಿ ಸಿಂಧನೂರು ತಾಲ್ಲೂಕಿನ
ಸಿಂಧನೂರು ತಾಲ್ಲೂಕಿನ ಸಿರವಾರ ಪಟ್ಟಣದಲ್ಲಿ
ಸಿರವಾರ ಪಟ್ಟಣದಲ್ಲಿ ಸಿಂಧನೂರು ತಾಲ್ಲೂಕಿನ
ಸಿಂಧನೂರು ತಾಲ್ಲೂಕಿನ ಸಿರವಾರ ಪಟ್ಟಣದಲ್ಲಿ
ಸಿರವಾರ ಪಟ್ಟಣದಲ್ಲಿ ಸಿಂಧನೂರು ತಾಲ್ಲೂಕಿನ
ಸಿಂಧನೂರು ತಾಲ್ಲೂಕಿನ ಸಿರವಾರ ಪಟ್ಟಣದಲ್ಲಿ
ಸಿರವಾರ ಪಟ್ಟಣದಲ್ಲಿ ಸಿಂಧನೂರು ತಾಲ್ಲೂಕಿನ

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10 [illegible]
[illegible]
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ಶ್ರೀ ಗುರುಭ್ಯೋ ನಮಃ

ಶ್ರೀ ಮಾನ್ ಸಕಲ ಸದ್ಗುಣ ಸಂಪನ್ನ ಸಕಲ ಶಾಸ್ತ್ರ ಪಾರಂಗತ ಸಕಲ ಜನ ಸಂಪೂಜಿತ ಸಕಲ ಜನ ಸಂಸೇವಿತ ಸಕಲ ಜನ ಸಂಸ್ತು

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45 [illegible]
[illegible]
[illegible] 209 [illegible]
[illegible]

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[illegible]
[illegible] 60-70 [illegible]
[illegible]
[illegible]
[illegible]

Before me

I Class Magis.

24-2-

Gen. Serial No. 31.]

1897

From The Secretary to the Govt of Mysore Genl & Rev Depts

To The District Magistrate of Kolar

Dated 22nd March 1897.

Despatched

Received

Enclosures No.

General No. 10463

Jud No. 1198

With reference to his letter No A dated the 7th Instant requesting the issue of an Extradition Warrant for the Surrender of one Badesab who is accused of having committed theft of a pony in the Chinbaram Taluk, I have the honor to intimate that a Warrant was issued on the 19th Instant to the District Magistrate of Cuddapah for

For the surrender of the said accused to the Police Inspector of the Chintamani Taluk at Chintamani.

2. The abstract of evidence received with his letter referred to above, is herewith returned with the remark that the District Magistrate should also have recorded and submitted the other evidence available in the case.

"By order"
(Sd) L. Anantasami Rows
Under Secretary

"Copy"

M Krishnaswamy
for District Magistrate.

No 10

Madanapally
11th May 1897

Encl: one

From

The Inspector of Police
Madanapally

To

The Inspector of Police
Chintamani

Sir,

Refce:- Your letter 98 - 98 dear ~~and Co~~

of accused Badai Saib of Gowrivaripallai theft case

I have the honor to forward herewith a Copy of the District Magistrate's Proceedings in the above case -

I have the honor to be

Sir,

Your most obedient Servant

Illegible

Inspector of Police

Dt. 16/5/97

663

18-5-97

H. Asstiah Gowda

Executive

Rec'd 25/5/11

Dis No 196/May 27

Proceedings of the District Magistrate of Tumkur dated 9-3-27

Read arz No 181/24-2-27 from the Sty. Submagistrate Madanapalle requesting orders regarding the disposal of an application made to him by the Mysore Authorities for remanding a man by name Bada Saibe of Gumipalli, Mysore Province for an offence of theft committed by him in Gumipalli.

Read also the record connected with the case

Order

The Submagistrate should release the man at once

(Sd) P. Theertha Rao
for District Magistrate
10-3-27

(True Copy)

Submagistrate

Mrs Allen's Reg: No: 886
Dead hurt by mistake
Returned 27th May 97 in custody

In the Court of the Amildar and 3rd class Magistrate of Chintamani

Complainant
Chickanna
son of Veerabhadrappa
of Chintamani

Vs

Accused.
Badesab, son
of Biramsabi
of Govanapalli
Chintamani Taluk

Abstract of evidence given by the complainant Chickanna and witness Syed jamal Police Constable No. 209 before the Amildar Magistrate on 24th February 1897.

Complainant Chickkanna – Duly affirmed

I see the pony (Palmyra fruit Tatakaji color) now before the Court. It is 9 years old. I bought it from Bhadur Khan of Chintamani for Rs 31-8-0 about 7 or 8 months ago. I have been using it both for riding and packing purposes. About 20 days ago I took the pony to Govanapalli sante (weekly market) with a gunny bag full of arecanut; and in the evening after finishing my business there I picketted it to a stone pillar in front of a temple situated to the west of that village. About 10 P.m I returned to the pony having taken my meal which I prepared behind the said temple, and after providing it with some grass I went into the village to collect certain debts due to me. I returned at

at about 1 A.m and lay down on the pial of one Annaya's house near the temple, and before doing so I saw my pony in its place and supplied it with some more grass. When I was about to lie down I called Annaya's Son-in-law Venkatrama whom I saw returning home from the direction of the Shanbhog's house. He came and sat down by me. Badesab of the same village was also with him. The latter did not come to me but stood at a distance. He was called by Venkatarama, but did not come. He went away in the direction of his own house saying that he had some business and that he would come back. I demanded Venkatrama for payment of the money due to me by him. He said he would pay it next morning and went away. I have known the above named two men for a long time as I go to Govanapalli on every market-day. My paternal uncle Puttanna who had also gone to Govanapalli on the aforesaid market-day and who had slept in the Shanbhog's house for the night came out at 6 o'clock next morning awakened me from my sleep and said that my pony was missing. He told me to see if it had

had strayed out. I got up and searched for my pony till about 11 A.m but could not find it. I came back to Kirraya's house and after taking my breakfast there I set out again in search of the pony. About 2 P.m on wednesday Hydersab of Govanapalli who saw me near (Zeltigadde) asked me what it was I had been searching for since the morning. I replied that my pony was missing and had not been found. Hydersab told me that the same morning about day break when he was returning to his village from Addagal in company with another karakapalli Chiefs Ramanna he met Badesab riding on my pony towards Addagal and about 3 miles from it, and that on seeing him (Hydersab) Badesab covered himself with white dupatti. I immediately lodged a complaint at the Govanapalli Police Station. Suspecting that Badesab had gone to madanapalli I set out in pursuit of him after 3 P.m on wednesday in company with a police constable named Syed jamal and arrived at Royalpad station at 8 P.m where we were informed by the Station constable Narasappa that the same day about noon he saw a Musla-

riding on a naked pony (Dalakayi color);
and that on being questioned he said he was
going to Madanapalli. We left the Royalpad
Station at about 9 P.m and arrived at Madana-
palli at about midnight or 1 A.m. As we were
searching about at Madanapalli I found my
pony picketted near a Shop and pointed it out
to the Police constable Syed Jamal. Badesab who
was sleeping in that Shop got up being awakened
by the Shop-keeper and told to remove and put
in front of the pony the grass which it had got
under its legs. Syed Jamal put on his uniform
arrested Badesab took him straight to the Mada-
napalli Police Station. We waited at the Station
for the Sergeant who arrived there early next
morning and told us to appear before the
Magistrate. We accordingly appeared before
the Magistrate on Thursday noon. The Magis-
trate examined us and told us to take the
accused and the pony to Kolar. We accordingly
took them to Kolar. But the accused Badesab
has since been sent back to Madanapalli.

As the man had been brought up without a remand warrant; he was ordered the taken back to Madanapalli

Witness Syed Jamal — duly affirmed
I know Chickanna now before Court. I have
known for one year I have been at Gavana-
halli

Govanapalli for the last 2 months. I was at the Govanapalli Police Station for about a couple of years 2 or 3 years ago. I had never seen Badesab before the present occasion nor was I acquainted with him. I saw him at Madanapalli at about 2 Pm. on wednesday the 3rd Instant. The Daffedar of Govanapalli Station sent me with complainant Chikkanna to find out his pony and the said Badesab. I had been given a description of Badesab and informed among other things that his left ear had been half torn and that he was about 25 years of age. On our way to Madanapalli the complainant and I were informed at the Royalpad Station that a certain Muslaman had been seen riding on a naked pony. As we were searching for the pony at Madanapalli we found it picketted in front of a Musalman's shop. The Complainant pointed it out to me. Badesab who was sleeping in that Shop got up being awakened by the Shopkeeper and who complained

7

of the former having dirtied his premises by picketing the pony in front of his Shop. Badesab got up, collected the grass which had been scattered in front of the pony, went and sat down on the pial of the Shop. Some of the other persons who had been sleeping on the same pial got up and said among themselves that this boy (Badesab) who professed to be a resident of Pulugurukote appeared willing to sell the pony for Rs 12/ and that the matter was suspicious. I questioned Badesab as to who he was at Pulugurukote but he did not give a satisfactory reply. I observed on him the identifying marks I had been informed of by the Daffedar of Govanapalli Station. I immediately arrested Badesab and produced him before the Magistrate of Madanapalli through the Police of that Station. He was sent here but has since been returned to Madanapalli. I have seen the pony now before Court with the complainant for the past 6 or 7

7 months - It was with Bhadar Khan before.
This is the pony the complainant and I
discovered and seized at Madanapalli.

True abstract

Application for a Warrant under Act XXI of 1879 *the Foreign Jurisdition and Extradition Act.*

---

1. Officer to whom the warrant should be issued.	1.	District magistrate of Cuddapah
2. The Magistrate of the District who wants the warrant issued.	2.	District magistrate of Kol
3. Name and description of accused person.	3.	Badesab, Son of Biramsabi of Gavanapalli Chittamani Tal
4. Where or under whose custody the accused person is supposed to be.	4.	Confined in the Sub gail o Madanapalli
5. Name of the offence committed and Section of the Indian Penal Code under which the accused is charged.	5.	Theft of a pony punishab under Section 379 I.P.C
6. Officer to whom the accused should be surrendered.	6.	Police Inspector of Chitt Mani
7. Place at which the accused should be delivered up.	7.	Chittamani (to be produced fore the Amildar Magistra
8 Whether the accused is a British subject or a subject of Mysore	8	Subject of Mysore

7th March 1897.

Ramaswamy
District Magistrate
Kolar *District.*

Mysore Govt. Central Press, Bangalore.—31.—10-92—500.

ಸಂಪೂರ್ಣ ಪಾಠವನ್ನು ಓದಿ ಅರ್ಥಮಾಡಿಕೊಂಡು ಕೆಳಗಿನ ಪ್ರಶ್ನೆಗಳಿಗೆ ಉತ್ತರಿಸಿರಿ

ಸರಿಯಾದ ಪದವನ್ನು ಆರಿಸಿ ಖಾಲಿ ಜಾಗವನ್ನು ತುಂಬಿರಿ

೧ ಕಾಲಿಗೆ ಚಕ್ರ ಕಟ್ಟಿಕೊಂಡಂತೆ ಓಡಾಡುವುದು ಎಂದರೆ ಅರ್ಥ

೨ ಕಾಲಿಗೆ ಚಕ್ರ ಕಟ್ಟಿಕೊಂಡಂತೆ ಓಡಾಡುವುದು ಎಂದರೆ ಅರ್ಥ

೩ ಕಾಲಿಗೆ ಚಕ್ರ ಕಟ್ಟಿಕೊಂಡಂತೆ ಓಡಾಡುವುದು ಎಂದರೆ ಅರ್ಥ

೪ ಕಾಲಿಗೆ ಚಕ್ರ ಕಟ್ಟಿಕೊಂಡಂತೆ ಓಡಾಡುವುದು ಎಂದರೆ ಅರ್ಥ

೫ ಕಾಲಿಗೆ ಚಕ್ರ ಕಟ್ಟಿಕೊಂಡಂತೆ ಓಡಾಡುವುದು ಎಂದರೆ ಅರ್ಥ

೬ ಕಾಲಿಗೆ ಚಕ್ರ ಕಟ್ಟಿಕೊಂಡಂತೆ ಓಡಾಡುವುದು ಎಂದರೆ ಅರ್ಥ

೭ ಕಾಲಿಗೆ ಚಕ್ರ ಕಟ್ಟಿಕೊಂಡಂತೆ ಓಡಾಡುವುದು ಎಂದರೆ ಅರ್ಥ

೮ ಕಾಲಿಗೆ ಚಕ್ರ ಕಟ್ಟಿಕೊಂಡಂತೆ ಓಡಾಡುವುದು ಎಂದರೆ ಅರ್ಥ

೯ ಕಾಲಿಗೆ ಚಕ್ರ ಕಟ್ಟಿಕೊಂಡಂತೆ ಓಡಾಡುವುದು ಎಂದರೆ ಅರ್ಥ

೧೦ ಕಾಲಿಗೆ ಚಕ್ರ ಕಟ್ಟಿಕೊಂಡಂತೆ ಓಡಾಡುವುದು ಎಂದರೆ ಅರ್ಥ

12/6/97

14-6-97
Submitted with letter

By order of Court

Asst Head Draftsman

4

SEC: Courts

FILE 56–96

SER AL NO. From 2

No. 10132 / 1165 exc: 2+1 file

OFFICE OF THE GOVT. OF MYSORE.

Dated 11th March 1897.

The ~~General~~ Secretary to the Government of Mysore.

To

The First Assistant to the Resident in Mysore.

SIR,

In forwarding copy of letter No. A dated 7th March C.
from the ~~Deputy Commissioner~~ Magistrate, Kolar ~~District~~, as also an abstract
of the evidence ~~in original~~ (to be obligingly returned when no longer required), recorded
in a ~~Criminal Case No. of 189~~ by the Amildar and
~~Commissioner and~~ 3rd Class Magistrate of the Chintamani Th in a case in which
one Badesab a Native of Gowanpalli, Chintamani
Taluk,
is charged with the offence of theft of a pony
punishable under Section 379, I. P. Code, I am directed to request that an
extradition warrant may be issued to the District Magistrate of Cuddapah
for the surrender of the said accused to the Police Inspector
of Chintamani at Chintamani
2. I am to state that a prima facie case
has been made out against the accused.
3. The usual statement containing the necessary particulars for the preparation of the warrant is also enclosed.

I have the honor to be,

Sir,

Your most obedient, servant,

10/3/97

~~General~~ Secretary.

Allowed
10/3/97.

9/3/97

Note – It is a pity that the other evidence available has not been recorded. This may be pointed out to the D.C. while communicating this order to the resulting ~~order~~ refer to the Resident – C.
10/3/97

Issued

5

No. 1154. En

Dy No 7872/1113

SECTION Courts
FILE No. 56-96
Sl. No. 3

FROM

THE FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

(3)

To

THE DEWAN OF MYSORE.

Dated Bangalore, 19 March 1897

SIR,

I am directed to acknowledge the receipt of your ~~Secretary's~~ letter No. 10132/1165, dated the 11th instant, asking for the issue of an extradition warrant for the surrender of Bade Sab who is accused of having committed the offence of theft in Mysore territory.

2. In reply, I am to inform you that a warrant has this day been issued to the District Magistrate of Cuddapah for the surrender of the accused person to the Police Inspector of the Chintamani taluk at Chintamani.

3. The original enclosures to your letter under acknowledgment are herewith returned.

I have the honour to be,
Sir,
Your most obedient servant,

K. Erskine Captain,
First Assistant to the Resident.

(4)

To,

The District Magte
of Kolaba.

Dated 22-8-91

No. 10463/1198 one: 1 file

SECTION Courts
FILE No. 56-96.
SERIAL No. 4

With reference
to his letter no A 07
7th instant, request-
ing the issue of an
Extradition ~~warrant~~
warrant for the
surrender of one
Bade Sab, who is
accused of having
committed theft of
a Pony in the Chinta-
mane Tk has the
honor to intimate
that

that a warrant ~~was~~ was issued on the 19th instant to the Dy. Magistrate of Cuddapah for the surrender of the said accused to the Police Inspector of the Chintamani Dy. at Chintamani

2. The abstract of evidence recd with his letter referred to above, wherewith returned with the remark that the Dy. Magte should have recorded and submitted the other evidence available in the case.

This is enclosed as per Sergt's note on the abstract of the 18th inst. & the Rec'd. is herewith submitted.

R.O. 13/8/27

Sergt.

BYC 10586 / G. 1322, pol 1237

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No. 2179 Encls 3

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FROM

THE FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

SECTION Courts

FILE NO. 56-96.

To

SERIAL NO. 5

The Dewan of Mysore.

Dated Bangalore, 20th May 1897.

SIR,

In continuation of my letter No. 1157 dated the 19th March last, I am directed to forward herewith a copy of the correspondence noted in the margin, from which it will be seen that the extradition warrant for the surrender of Badé Sab, who is accused of having committed theft in Mysore, has not been executed. The reason for non execution of this warrant will be found in the correspondence above referred to.

No 248 dated 29th march 1897. from the District Magistrate of Cuddapah.
No. 1677 dated 15th April 1897. to - ditto.
" 380 " 25 - do - From ditto.

2. Under the circumstances it appears to the Resident that further action might be waived. I am to

to inquire if the Thuribar would be prepared to concur in this opinion.

I have the honour to be

Sir,

Your most obedient Servant.

L C Chin

First Assistant President.

Letter No. 248 mag. dated 29th March 1897 from
Enc to 8&9 the District Magistrate of Cuddapah to
the First Assistant Resident.

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a

I have the honour to return herewith unexecuted the Extradition warrant received with your letter No. 1153 dated 19-3-97, and to report that the accused therein referred to being a subject of the native State of Mysore, his arrest by an officer of the Mysore Police in British Dominions for an offence said to have been committed in Mysore Province is illegal and the case is not one to which the provisions of the Extradition Act could be applied. He has therefore been released.

Copy

No. 1677.

Enc to ltr 5

FROM

THE FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The District Magistrate
of Cuddapah

Dated Bangalore, 15th April 1897.

SIR,

I am directed to acknowledge the receipt of your letter No. 248 dated the 29th ultimo, with which you return unexecuted the Warrant for the Extradition of Peada Saib, which was forwarded to you with my letter No. 1353 of the 19th idem.

2. You state that the accused person had been illegally arrested by the Mysore Police in British territory on account of an offence committed in Mysore. The circumstances under which this arrest was made and the custody of the accused accepted by the British Police are not stated, but if the Mysore Police have committed any irregularity, the Durbar will be asked to

to take adequate notice of the incident.

3. It is however not clear on what grounds you decline to comply with a warrant for an extraditable offence issued, so far as is known here, in a perfectly regular and legal manner, and I am to ask you therefore to be so good enough to favour the Resident with an explanation of the opinion comprised in the sentence "and the case is not one to which the provisions of the Extradition Act could be applied.

4. The warrant is herewith retransmitted.

I have the honour to be
Sir,
Your most obedient servant
(sd) K. D. Erskine
Captain
First Assistant Resident.

Enc to 815

Letter No. 380 magl dated 25th April 1897, from A. C. Yate Esqr. District Magistrate Cuddapah to the First Assistant Resident.

5

With reference to your letter No. 1677 dated the 15th instant, I have the honour to withdraw letter No. 248 dated the 29th ultimo written to you in my name by my Special Assistant Mr. Roberts.

2. When I received your letter No. 1153 dated 19th ultimo, I endorsed upon it on the 21st ultimo, the following instructions to my office "Tell him what was done" upon that my Magisterial clerk, who is incompetent, on the 29th ultimo, prepared the draft letter which I have now withdrawn and placed it before Mr. Roberts – a young officer who has been lately deputed under Section 25 of the Madras Famine Code to relieve me of my routine work during pressure of famine business – Mr. Roberts in the hurry of business passed the clerk's draft at once and I have accepted his explanation, as work in my office is at present fortnightly

particularly heavy.

3. With this explanation, I proceed to state what has happened in the case in which the Resident has issued his warrant of Extradition - The allegations are that one Chikkanna, a trader of Chintamani Taluk, Mysore State, attended a market at Gauribidanur village in the Mysore State on 2nd February and that his pony disappeared the same night - He and a Police constable (Mysore) Sayed Jamal of Gauribidanur station went in pursuit and on the night of 3rd February Sayed Jamal arrested the Mohamedan boy Bade Sahib at Madanapalle in British territory where the missing pony was found in his possession.

5. The Stationary Submagistrate took sworn depositions from Sayed Jamal and Chikkanna and also questioned the accused boy Bade Sahib. It appears that Bade Sahib was a former servant of Chikkanna and his statement was that Chikkanna had sent him to look for the pony - He did not dispute Chikkannas ownership of the pony, and said that he was accused in order to prevent him claiming

the

the reward promised by Chikkamma —

Parenthetically I may say this explanation does not sound true.

6. Thereupon the Submagistrate purporting to act under Section 167 clause 2 of the Criminal Procedure Code gave a remand at once (4th February 1897) for the production of Bodé Sahib before the Kolar (Mysore) magistrate - Thirteen days later, on 17th February 1897, the Madanapalle Station House Officer produced Bodé Sahib still in custody before the Madanapalle Submagistrate saying that the Kolar (Mysore) magistrate did not consider that proper formalities had been observed and so he sent Bodé Sahib back requesting that he should be remanded until an extradition warrant was obtained - If the Kolar magis- - trate really acted in this way - and it appears to me that he must have done so - I think his unfitness for his post as a magistrate requires to be considered by the Mysore Durbar.

7. The Madanapalle Submagistrate took a statement from the Mysore Police Duffadar who escorted the accused back from Kolar, in which he asked for a remand for a month in order to get

get an Extradition warrant - The Madana-
-palle Submagistrate then referred
the matter to me stating that he was
keeping the accused under remand - This
report reached my office through the joint
magistrate on 4th March, and on 7th March, I
directed the Submagistrate to release Bade
Sahib at once — He was released from custody
accordingly.

8. Your letter No. 1153 reached me on 21st March and as Bade Sahib was not then in Cus-
-tody, under the circumstances explained
above, it was not possible to comply with
the Resident Warrant

1353 dy 19/March

9. I have the honour to point out that Bade
Sahib was illegally arrested, that he was
kept in custody, and marched backwards
and forwards from Kolar to Madanapalle
from 3rd February to 10th or 11th March (I have not
the exact date here). If he really did steal
the pony, I think he has already suffered
sufficiently for it I do not know whether
Bade Sahib is now in Portuguese Territory,
but if he is and the Resident decides to
issue an Extradition warrant for his re-
-arrest and rerendition I request that I

I may be referred to the exact section of law under which I can act.

The present warrant is returned duly endorsed.

Coker.

No. 1271 dt 27-5-97
dt 1442 Rec: 1

SECTION Courts
FILE No. 56—96
SERIAL No. 6

To The Dt Magte of Kolar

Sir, ~~With~~

In continuation of this Office docket No. 10463 dt 22nd March 1897 intimating the issue of an extradition warrant for the surrender of one Bade Sab, accused of stealing a pony, I am directed the honor to ~~forward a copy of an extract from~~ state that the warrant has been returned unexecuted by the Dt Magte of Cuddapah for reasons given in the accompanying extract from a letter of that Office communicated by the Resident, and to request that the records returned with the docket referred to above may be resubmitted ~~as early as possible~~ together with all other records relating to the case.

2. I am also to enquire whether, as stated by the Dt Magte of Cuddapah, the accused was arrested in British territory by a constable of the Mysore Police, and whether he was sent backwards and forwards for the reason mentioned. The explanations of the Constable and Magte concerned should also be obtained and submitted as early as practicable.

3. I am further to request you to state where the accused person and the pony are now, and whether you wish the former to be arrested and extradited for the purpose of being placed on trial.

I have etc

for Secretary

⊗ Dft for Office
Copy from the records of the a
ove [illegible] in para 3 of
25/5/97

J 1444 19

SECTION Courts Gen. Serial No. 31.]

FILE No. 56-96.

SERIAL No. 7

189

OFFICE OF THE
11453
23. JUN. 1897
DEWAN OF MYSORE.

From The Deputy Commissioner
Kolar District

8

Subject to the Advocate.

I think the views taken by the District Magistrate of Kolar is correct. The initial blunder was committed by Constable Syed Jamal. But the Madanpalle Stationary Magistrate could have rectified it at once. Instead of doing so, however, he authorized the removal of the arrested persons to Muttanahalli. The Kolar District Magistrate sent the Sowcar back & detained the Police & applied to us for an extradition warrant. The District Magistrate of Cuddapah has made certain remarks which seem to call for a reply. Otherwise the matter may be dropped & the Resident informed accordingly.

24/6/97

To The Secretary to the Govt of Mysore.
Revenue and General Dept

Dated 17.6.97

Despatched 18.6.97

Received 23 - - @ 5.15 P.M.

Enclosures No. 3

Camp
~~General~~ No. 48
No.

Reporting the circumstances under which the accused Bade Sheik who was arrested in British Territory was returned to Madanpalli - -

---

I.

The arrest of Bade Sab & one Rahim was illegal. Constable Syed Jamal's explanation cannot be accepted. The Dist Magte of Kolar should prevent a recurrence of such irregularities & issue proper instructions to the Police in his Dist. The same should be done in all the other Dists.

See Sch sheet

J.M.
23.6.97

Refer back up.
24/6/97

Subd to Secy
24/6/97

Kolar District Deputy Commissioners
office dated Cash —
Jangamakote 17th June 1897.

To

The Secretary to the Government
of Mysore —
Revenue and General Departments
Bangalore —

Sir;

I have the honor to acknowledge your letter No 12710/1442 dated the 27th ultimo, regarding the extradition of one Nadi Sahele. As directed therein, I beg to submit the papers noted in the margin and also explanation of police Constable Syed Jamal. In this, he says that the oral order of his Duffadar was that he should search for and apprehend the accused, that accordingly, he and the complainant Chikkanna traced the accused and the pony to a shop at Madanpalli at about 1 A.M. on 4th February 1897, and that he at once apprehended and produced him as well as the pony at the police station together with a report. He is evidently ignorant of the legal provisions on the subject, and appears to have acted on the impression that the Duffadar's order justified his apprehension of

(1) Records in Criminal Case No 70 of 96-97 on the file of the Amildar magistrate of Chintamani as per his Abstract —
(2) Abstract of evidence in English in the said case with a form of application for extradition.
(3) Explanation submitted by Constable Syed Jamal —

of the accused even in British Territory.

2 The accused was at once placed by the Madanpalli police, before the Stationery Magistrate who ordered him to be handed over to one Constable for being produced before a Mysore Magistrate. This order appears to me clearly wrong. The facts connected with the return of the accused to Madanpalli, are correctly enough stated in the letter of the District Magistrate of Cuddapah. The return of the accused was referred to in the abstract translation of the deposition of the Constable submitted with the application for extradition warrant, and was also noted in my remarks in the margin of the same.

3 In discussing the question of the return of the accused to Madanpalli, the principal point for consideration is whether his surrender to the Mysore police was in accordance with law, and whether his trial could have been proceeded with, before a Mysore tribunal. The District Magistrate of Cuddapah seems to think that the procedure of the Stationery Magistrate was according to law while the return of the accused

accused by the Mysore Magistracy was open to severe censure. He says in para 5 of his letter that "the Stationery Magistrate proceeding to act under Section 167 clause 2 of Criminal Procedure Code gave a remand at once," — and the tenor of his remarks in the later paras of his letter show that he was wholly ignored the provisions of the Extradition Act

4 Section 167 Criminal Procedure Code occurs in the Chapter prescribing the powers of the police to investigate into offences, and its provisions are intended to enable the police, with permission of Magistrate to keep the accused in custody for a certain period in order to complete such investigation — It is clear therefore that it can only apply to persons accused of offences which can be investigated by the police in British India Unless the Madanpalli police intended to prosecute the accused for the dishonest retention of stolen property within their jurisdiction, (and it is not alleged that they intended to do so,) the police could not hold any investigation, nor submit the result of such investigation to the local Magistrate for a remand under Section 167. It follows therefore that the

the circumstances which could give him jurisdiction under this section, are entirely wanting in this case, and that the Magistrate could not grant a remand or order for the production of the accused before another Magistrate for trial. The British police could only proceed under the seventh clause of section 54 C. P. C, to arrest the accused and produce him before the local Magistrate under section 17 (A) of the Extradition Act, for seeing detained till the orders of the political officers were received.

5. The fact of the Conveyance of the accused into Mysore Territory on the order of the Stationery Magistrate of Madanpalli, was brought to my notice on the 11th February 97, by the police Assistant Superintendent. As the surrender was thus illegal, and as the provisions of sections 15 and 17 (A) of the Extradition Act, permitted his detention in custody in British India for a period of 2 months till the proper formalities could be completed, I ordered on the same day, that the man should be returned to the British police at Madanpalli ——

6 My object in passing the orders was that the illegality in the case should be set right and that the accused should be

he restored to the position which he would have occupied but for it. I may also mention that only a few days previously, a man had been arrested in the Salem District, and brought and placed on his trial before the Special Magistrate at the Gold Fields without proper explanation, and I had to ask the Government to obtain the Resident's Sanction for it (vide this office letter No 2900/734 dated the 2nd February 1897). In that case, he was concerned with others already under trial, and there was some reason in justification of his detention in anticipation of sanction. In the present case however, there was no such excuse, and I was afraid that though not primarily responsible for the illegal surrender, the police and Magistracy in Mysore might be blamed for collusive Conduct in file B [illegible] 21/12

7 I may also urge in support of my action, that as the accused was not only liable to prosecution for theft in Mysore Territory, but also amenable to the Courts in British India for dishonest retention of stolen property within their jurisdiction, it was open to the British Resident to refuse his surrender to Mysore authorities, and to authorize his prosecution

on

on the latter offence before a Magistrate in British India. There was thus no certainty that the application for extradition warrant would be complied with and it was incurring an unnecessary responsibility to detain the accused-. Moreover there was no great-hard-ship in my order, as the man had been in custody only for 7 days when I passed the order for his return, and as Madanpalle was within 12 miles from our frontier or 30 miles from Chinnamani where he was then in custody

8 As regards the enquiry whether a rendition warrant is still required, I beg to state that the present whereabouts of the accused are not known, and as the police Inspector of Madanpalle has returned the stolen pony to the Complainant, to be pro-duced when required, there is no necessity to apply for a fresh warrant I beg how-ever that instructions may be issued on the questions of law, that have arisen in the Case, and as to the action to be taken in future under similar circumstances.

I have the honor to be
Sir,
Your Most obedient Servant.

A Langumuir
Deputy Commissioner. Kolar
District

No. 3379 dy. 13-9-97
J. 386.

(12)

SECTION Courts
FILE No. 56-96.
SERIAL No. 8

To The 1st Assistant to the Resident in Mysore

Dated 9th September 1897.

Sir,

With reference to your letter No. 2179 dated 20th May 1897 regarding the Extradition warrant issued by the Resident for the Surrender of one Badé Saib of Madanpalli but which was returned by the District Magistrate of Cuddapa unexecuted, I am directed to state that under the circumstances of the case and as the Madanpalli Police have returned the stolen pony to the owner Chickkanna, the complainant in the case, the Durbar concur with

with the Resident in his opinion that further action might be waived

2. I am desired to add that the conduct of the Mysore constable Syed Jemal who acted illegally in making an arrest in British Territory will be taken Suitable notice of by the Durbar and that the District Magistrate of Kolar will be asked to prevent a recurrence of Such irregularity

3. At the Same time I am to Submit for the Residents consideration the following observations by the Durbar on an important point of law which arises in the case but which the

the District Magistrate of Cuddapa overlooks when criticizing the conduct of the Mysore Police and Magistracy, in his letter to you No. 380 dated 25th April 1897. This question is whether a person accused of an offence in Mysore but illegally arrested in British India and illegally surrendered by a British Magistrate can be legally tried by a Mysore court

Syed Jemal, the Mysore constable, who went into the Madanpalle Taluk (British Territory) in search of the stolen property, and the thief

Succeeded in discovering
them on the night of the
3rd February (at about
1. A.M.) and he at once
arrested the thief and
produced him forthwith
with the Stolen property
at the Madanpalli Police
Station with a report.
The illegal arrest by ~
Mysore Police constable
ceased to have any effect
when he placed the
arrested person and the
Stolen property before
the Madanpalli Police
officer and this officer
accepted the custody
of the arrested person
and the possession
of the Stolen property.

The

The whole of the Subsequent illegality was on the part of the Magistrates in British India, for when the arrested person was placed by the Madanpalli Police before the Stationary Magistrate of Madanpalli the latter ordered him to be handed over to the Mysore constable for being produced before a Mysore Magistrate. The District Magistrate of Cuddappa seems to ignore the fact that this procedure of the Madanapalli Stationary Magistrate was not according to law, and he quotes Section 167 clause 2, of the Criminal Procedure Code as the

Stationary Sub Magistrates
authority for granting a
remand Section 167, ~
Criminal Procedure Code
does not apply to the case.
It occurs in the chapter
prescribing the powers
of the Police to investi-
-gate into offences and
its provisions are intended
to enable the Police, with
permission of the Magistrate
to keep an accused in
custody for a certain
period in order to com
plete such investiga-
tion It can only apply
to persons accused of
offences which can
be investigated by
the Police in British
India This case was
not

not one of ~~that~~ that
kind and the Madanpalli
Police could not therefore
hold any investigation
into it or apply to a
British Magistrate for a
remand under Section 167.
Thus the circumstances
which could give the
Madanapalli Magistrate
jurisdiction under this
Section were entirely
wanting. He could have
proceeded only under the
Seventh clause of
Section 54, Criminal
Procedure Code and
Section 17 (A) of the
Extradition Act by sending
immediate information
of the arrest to the
Political Agent and
causing the arrested
persons' detention pending
the

the receipt of the
Political Agents' warrant
under Sections 15 and 16
of the Extradition Act
The Madanapalli Magis
-trates' order sending the
arrested person under
custody appears thus to
be clearly illegal.

When the District
Magistrate of Kolar
received intimation of
the arrested person being
brought to Bhimtamani
in Mysore under the
above illegal order of
the Madanapalli Magistrate,
he (the District Magistrate
of Kolar) directed the
arrested person's return
to Madanapalli on the
ground that his surrender
to the Mysore authorities
was illegal In

In discussing the question of the propriety of this order of the Kolar Magistrate the principal point for consideration is whether under the circumstances the trial of the arrested person could have legally been proceeded with, before a Mysore tribunal

To regard an accused person illegally surrendered by a British Magistrate as found within Mysore Jurisdiction for the purpose of proceeding with his trial before a Mysore Court is a procedure, the propriety of which seems some what questionable to the Durbar, for, it would amount to an evasion of the

Safeguard which the Legislature expressly provides by prescribing the Political Agents' Warrant (Sections 15, 16 and 17.(A) of the Extradition Act) before the Surrender could be made Apart from this question of propriety, the legality of a trial held by a Mysore Magistrate on an illegal Surrender by a British Magistrate is also a doubtful point. Mr. Mayne at page 267 of his Criminal Law of India quotes the English case of Reg ~~v~~ Sattler where it was held that a trial for murder was legal though the murderer's original arrest

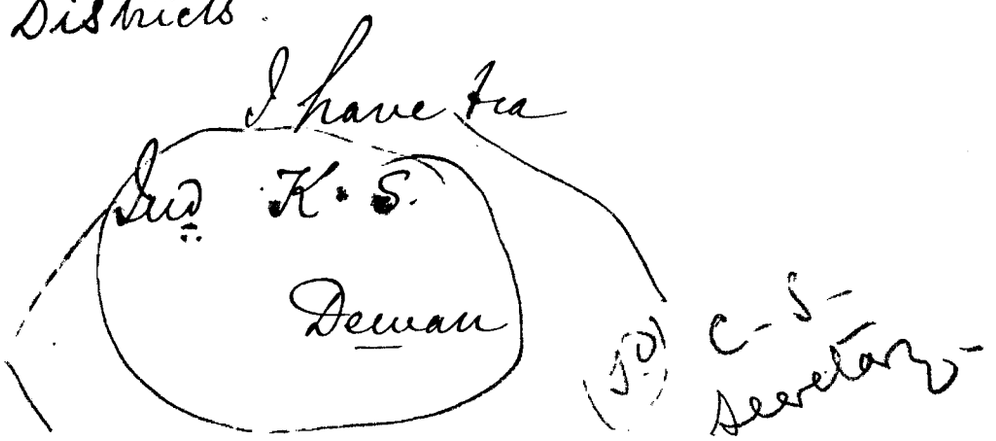
and Surrender were illegal but that was a case where the illegal arrest and Surrender were originally made in respect of larceny and the arrested person committed the murder for which he was tried on board the Steamer in which he was being brought to England for trial for larceny It is not improbable that in a trial for the original offence of larceny the objection of illegal arrest and Surrender would have prevailed in that case.

4. Having in the preceding paragraph described the legal question suggested by this case, the Durbar do not wish to comment upon the erroneous procedure of the Dt. Magistrate

Magistrate of Cuddapa
firstly in returning un-
-executed the Residents'
warrant on the ground
that the Extradition Act
did not apply - a ground
afterwards withdrawn
by him as incorrect -
Secondly in saying that
the person to be arrested
and Surrendered being
not then in custody it
was not possible to
comply with the Residents
warrant and lastly in
asking notwithstanding
the clear provisions of
Sections 11 and 12 of the
Extradition Act which
applied to the case, to
be informed of the
exact provision of the
law under which he
could act if extradition

were Still required. But
the Durbar beg to Submit
for Such notice and action
as the Resident may deem
fit the discourteous terms
in which the District
Magistrate of Cuddapa
(in the concluding part
of para 6 of his letter to
your No. 380 dated 25th
April 1897.) refers to the
Durbar officer, who like
himself holds the high office
of District Magistrate in
a neighbouring District
of this State. I am to add
that, in the opinion of
the Durbar, the use of
Such language can Serve
no useful end of any
kind and is obviously
incompatible with
those friendly relations
which

which, in the public interest, should exist between the district officers of two adjoining Districts.



Press Copy sent to Record 21-9-97 -

No 3469-77 / 1402 / 15-9-97

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Proceedings of the Govt of Mysore

(13)

SECTION Courts
FILE No. 56-97.
SERIAL No. 9

Read -

Letter No 48 (Court) dated the 17th June 1897 from the Deputy Commissioner Kolar District, reporting the circumstances under which one Bade Sab was arrested by Syed Jamal, a constable of the Mysore Police force, at Madanpalli in British Territory, and the facts connected with the transmission of Bade Sab to Kolar under the orders of the Stationary Magistrate of Madanpalli and his remission to Madanpalli on the ground that he had not been duly surrendered under the provisions of the Extradition Act.

Order

The arrest of Bade Sab in British Territory by a Mysore Constable was ~~illegal~~ irregular. It is urged that he was ignorant of the legal provisions on the subject, but an excuse of this kind cannot be accepted. The Dist Magr of Kolar is requested -

W

, requested to take suitable notice of the conduct of constable Syed Jaunal and give clear orders to prevent a recurrence of the complaints noticed

U

Secretary
BR 3/9

To Mr. D.L Range of Kolar with the intimation that ~~he Resident has been informed~~ further action in the case in question might be awaited, & that he has ~~also been addressed~~ on the other questions raised by him further orders should be awaited by

14/9/97

J 1041 / 8775 / 1898

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P 884

From The 1st Asst to the Resident in Mysore

To Dewan (15)

The Secretary to the Govt. of Mysore, Dept.

SECTION Courts

FILE No. 56-96

SERIAL No. 10

Dated 7.2.98

Despatched

Received 9

General No. 578

No.

Enclosure No.

Communicating the Resident's views in the matter of the arrest and extradition of one Badé Sahib.

App a Leey

Mem draft - amender reading 'abstract' the Dy Comm's report & other important papers & communica including Resident's letter & ordering that the same be communicated to the Dy Comm'r U.K. Marked Q 12-2-98

References to be marked.

8416

2 Asst Sec.

I find it difficult to read portions of Resident's No 12- Make a fair draft & bring to me - This enquiry has been done earlier 10/2/98

attested To & sent 12-2-98

J. No. 2 of 1897-8 Sub. 10/2/98

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No. 578 Ex. Mil

(15)

FROM

THE FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 7th February 1898.

SIR,

I am directed to acknowledge the receipt of your letter No. 3379/D.386, dated the 13th September 1897, regarding the arrest and extradition of one Babe Sahib.

×S.No. 12 in file A

2. With regard to the comments of the District Magistrate of Cuddapah upon the District Magistrate of Kolar alluded to in para (3) of your letter I am to say that suitable notice has been taken by the Madras Government of those criticisms which the Resident

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Resident, agrees with the Durbar in regarding, as highly undesirable.

3. In para 3 of your letter a question is raised whether a person accused of an offence in Mysore but illegally arrested in British India, and illegally surrendered by a British magistrate, can be legally tried by a Mysore Court. This enquiry is based on Babe Sahib's case in which the Durbar contended that, as the arrest of the accused by their Police was illegal, and as the subsequent surrender had been effected in an unauthorized manner, the Magistrate of Kolar was justified in declining to try him. Colonel Roberton is not prepared unreservedly to accept this view. He believes that the initial defect in the arrest was cured by what subsequently happened, and that under the Mysore Law, had the magistrate, ignoring the preliminaries

preliminaries, attending the arrest, and surrender, decided to deal with the accused, it is doubtful whether any Superior Court would have taken objection to his proceedings.

I have the honor to be,

Sir,

Your most obedient servant

K. Erskine Captain,

First Assistant Resident.

Ser. ⑤ of
Apl. 97-98

SECTION Courts
FILE No. 56-96
SERIAL No. 11

Read again
Letter No. 2179 dy 20-5-97 from the First Asst to the Resident in Mysore forwarding copies of correspondence on the subject of the non-execution by the District Magistrate of Cuddapah of an extradition warrant issued by the Resident for the surrender of one Bade Sab accused of having committed theft in Mysore territory, and suggesting that further action might be waived in the matter.

Ser. ⑧ of do

Letter No. 40 (Camp) dated the 17th June 1897 from the District Magistrate of Kolar, reporting the circumstances connected with the said Bade Sab's irregular arrest by a Mysore constable at Madanapalli in British territory, his transmission to Kolar under the orders of the Stationary Magistrate of Madanapalli, and his re-transmission to the Cantonment by the Kolar D.M. on the ground that he had not been duly surrendered under the provisions of the Extradition Act; and requesting instructions on the question of law involved in the case and as to the action to be taken in future under similar circumstances.

Read also
Letter No. 578 dy the 7th Feb. 98 from the First Assistant to the Resident in Mysore in reply to this office No. 3379-y 3806 dy the 13th Sept. 1897.

Order thereon. No 10172-80 / 1098 / 22-2-98

Copy of the Residency letter last read will be communicated to the District Magistrate of Kolar for information.

2. With regard to the question raised in the above correspondence, namely whether a person accused of an offence committed in Mysore but illegally arrested by the Mysore Police in British India and illegally surrendered by a British Magistrate can be legally tried by a Mysore Court, the Resident, it will be seen, is not prepared unreservedly to accept the view that the District Magistrate of Kolar was justified in declining to try him. He believes that the initial defect in the arrest was cured by what subsequently happened and that, under the Mysore Law, had the Magistrate ignoring the preliminaries attending the arrest and surrender, decided to deal with the accused, it is doubtful whether any superior Court would have taken objection to his proceedings.

Press copies to Press on 22-2-98
Printed copies received on 10-3-98.

Subs to Sec?

An important question has been raised by the Dt. Magte of Kolar, and has to be disposed of in some way. Instead of merely communicating, without any comments of the Darbar, the Resident's opinion as to the state of the law of Mysore, as per to the following effect may perhaps be added :-

"3. The question of law involved is doubtless one that will be settled by Judicial decision when it comes in due course before the courts of Mysore But considering it solely in its relation to the procedure of extradition, the Govt see nothing to prevent a magistrate in Mysore, with a due regard to the circumstances of each particular case, from adopting the course indicated by the Resident."

15/2/98

12/2/98

To The Dt. Magte of Kolar, with a copy of the Resident's letter.
The Dt. Magtes of other Dists for information and guidance.
Copy to the Registrar of the Chief Court of Mysore.

(16)

Proceedings of the Government of Mysore, Judicial, dated 22nd February 1898.

READ AGAIN :—

Letter No. 2179, dated the 20th May 1897, from the First Assistant to the Resident in Mysore, forwarding copies of correspondence on the subject of the non-execution by the District Magistrate of Cuddapah of an extradition warrant issued by the Resident for the surrender of one Bade Sab, accused of having committed theft in Mysore territory, and suggesting that further action might be waived in the matter.

2. Letter No. 48 (Camp), dated the 17th June 1897, from the District Magistrate of Kolar, reporting the circumstances connected with the said Bade Sab's irregular arrest by a Mysore constable at Madanapalli in British territory, his transmission to Kolar under the orders of the Stationary Magistrate of Madanapalli, and his re-transmission to the latter place by the Kolar District Magistrate on the ground that he had not been duly surrendered under the provisions of the Extradition Act; and requesting instructions on the question of law involved in the case and as to the action to be taken in future under similar circumstances.

READ ALSO :—

Letter No. 578, dated the 7th February 1898, from the First Assistant to the Resident in Mysore, in reply to this office No. 3379—J. 386, dated the 13th September 1897.

No. 10172-80—J. 1098, DATED BANGALORE, 22ND FEBRUARY 1898.

ORDER THEREON.—Copy of the Residency letter last read will be communicated to the District Magistrate of Kolar for information.

2. With regard to the question raised in the above correspondence, namely, whether a person accused of an offence committed in Mysore but illegally arrested by the Mysore Police in British India and illegally surrendered by a British Magistrate can be legally tried by a Mysore Court, the Resident, it will be seen, is not prepared unreservedly to accept the view that the District Magistrate of Kolar was justified in declining to try him. He believes that the initial defect in the arrest was cured by what subsequently happend and that under the Mysore Law, had the Magistrate, ignoring the preliminaries attending the arrest and surrender, decided to deal with the accused, it is doubtful whether any superior Court would have taken objection to his proceedings.

3. The question of law involved is doubtless one that will be settled by judicial decision when it comes in due course before the Courts of Mysore. But considering it solely in its relation to the procedure of extradition, the Government see nothing to prevent a Magistrate in Mysore, with a due regard to the circumstances of each particular case, from adopting the course indicated by the Resident.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The District Magistrate of Kolar, with a copy of the Resident's letter.
The District Magistrates of other Districts, for information and guidance.
Copy to the Registrar of the Chief Court of Mysore.

Exd. — H.A.R.

1897-98

GOVERNMENT OF MYSORE

JUDICIAL.

PROCEEDINGS

Dated 22nd February 1898

No. 10172-80 / J. 1098

Issuing instructions regarding the trial by a Mysore Magistrate of offenders illegally arrested in, and surrendered from, British territory.

M.G.O.P.B.—4-3-98—250

10. From the 7 A. Dist No 5708 97 - 7. 2. 98

Dy No 6775 / 10461. / Pol Dept.

Communicates his views in the matter of the arrest and Extradition of one Bade & others referred to above.

11. To The District Magte. Kolar
The Dy. Comrs of other Distts.
The Registrar. Ch: Court.

} No 10172 - 80 / J. 1098 97 - 22. 2. 98

Issues instructions regarding the trial by a Dy Sne Magistrate of offenders illegally arrested in and surrendered from British Territory ——

Actg. Secretary.

Communicated